

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 BOBBY BEJARANO,

12 Petitioner,

13 vs.

14 KIM HOLLAND, Warden,

15 Respondent.
16

CASE NO. 14cv947-LAB (JMA)

**ORDER ADOPTING REPORT AND
RECOMMENDATION; AND**

**ORDER DENYING PETITION FOR
WRIT OF HABEAS CORPUS**

17 Petitioner Bobby Bejarano filed a petition for writ of habeas corpus pursuant to 28
18 U.S.C. § 2254. This matter was referred to Magistrate Judge Jan Adler for report and
19 recommendation, as provided by 28 U.S.C. § 636 and Fed. R. Civ. P. 72. On July 16, Judge
20 Adler issued his report and recommendation (the "R&R"), recommending that the petition be
21 denied. Objections to the R&R were due July 31, 2015 but none have been received or filed.

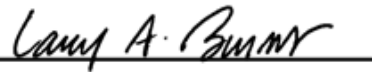
22 A district court has jurisdiction to review a Magistrate Judge's report and
23 recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must
24 determine de novo any part of the magistrate judge's disposition that has been properly
25 objected to." Rule 72(b)(3). "A judge of the court may accept, reject, or modify, in whole or
26 in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.
27 § 636(b)(1). This section does not require some lesser review by the district court when no
28 objections are filed. *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). The statute makes it

1 clear that the district judge must review the magistrate judge's findings and recommendations
2 de novo *if objection is made*, but not otherwise. *United States. v. Reyna-Tapia*, 328 F.3d
3 1114, 1121 (9th Cir. 2003) (en banc).

4 Although de novo review is not required, the Court has reviewed the R&R and finds
5 it both reasonable and correct. The Court **ADOPTS** the R&R, and the petition is **DENIED**.

6
7 **IT IS SO ORDERED.**

8 DATED: August 11, 2015

9 
10 **HONORABLE LARRY ALAN BURNS**
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28